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C O N F I D E N T I A L SECTION 01 OF 02 SINGAPORE 001638

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SUBJECT: SINGAPORE CONFIDENT ASEAN CHARTER WILL ADDRESS
"COMPLIANCE"

REF: SINGAPORE 1545

Classified By: Ambassador Patricia L. Herbold. Reasons 1.4(b)(d)

¶1. (C) Summary: The ASEAN Charter is close to completion and should be ready for ASEAN leaders to sign at the November Summit in Singapore, MFA told us August 31. After the November Summit, Singapore will use its position as ASEAN Chairman to push for "transitional arrangements" to move ASEAN from the Charter to a more integrated and cohesive organization. Singapore has been a driving force to include mechanisms to address "compliance" with ASEAN agreements as part of the Charter and believes it has agreement on this from the other members. The Charter will also create a human rights body, but its mandate and the standards it will apply have yet to be defined. End Summary.

ASEAN Charter

¶2. (SBU) ASEAN's draft Charter is close to completion with most of its key provisions already agreed, MFA ASEAN Directorate Senior Assistant Director Chua Ying Ying told us August 31. During the last Senior Officials Meeting in Manila, the officials agreed to include in the Charter the establishment of a human rights body and to authorize the principle of "ASEAN minus x" for economic agreements. Under this formula, one or more ASEAN members could opt out of an initiative while the rest of the organization moved forward.

"Compliance" With ASEAN Agreements

¶3. (C) Singapore believes it has achieved agreement on mechanisms in the Charter to ensure that members live up to their agreements with ASEAN. This is in response to a recommendation from ASEAN's Eminent Person,s Group (EPG) to make ASEAN a more "rules-based" organization. ASEAN has signed many agreements, but their utility is limited by countries that do not implement them, Chua observed. Singapore strongly supports this effort, and is largely responsible for language on "compliance" in the draft Charter, according to Chua. Under the proposed provisions, the ASEAN Secretariat would be given the authority to monitor the compliance of ASEAN members with organization agreements. If a member state were in "breach" of an agreement, the Secretariat would engage in discussions and arbitration with

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the state to encourage it to remedy the situation. If arbitration failed, the matter would be referred to the leaders level for resolution. Recalling earlier discussions of possible penalties or sanctions against recalcitrant members, Chua said the Charter would neither provide for nor preclude them. The leaders could decide to punish a member, although she acknowledged that four decades of ASEAN custom

has been to take decisions by consensus.

Outstanding Issues and The Way Forward

14. (C) Member states have not thus far expressed reservations about the Charter infringing on their sovereignty, Chua observed. Contrary to her expectations, Burma had been cooperative so far in the development of the Charter, including provisions providing for dispute settlement and discussions of possible disciplinary action against members judged to be in "breach" of their agreements.

15. (C) Regarding outstanding issues, Chua said the drafters of the Charter are still working out how to define lines of authority among various ASEAN-related bodies, including the ASEAN Standing Committee and the Senior Officials Meeting. The other key outstanding issue is what powers to give to the ASEAN Secretariat. The ASEAN foreign ministers will meet in late September in New York to review the draft text, which would keep things on track for ASEAN leaders to sign the final document at the November Summit in Singapore.

16. (SBU) The Charter is intended to be a "living document," Chua said. It will include a reference on the need to review it on a regular (although not defined) basis. After the November Summit, the GOS plans to use the rest of its ASEAN Chairmanship to push for "transitional arrangements" to move ASEAN from the Charter to a more integrated and cohesive organization.

ASEAN Economic Community and the Environment

17. (SBU) In addition to signing the Charter at the November Summit, the ASEAN leaders will also sign the blueprint for

SINGAPORE 00001638 002 OF 002

the ASEAN Economic Community, which aims to create a single market for the region by 2015, Chua indicated. She characterized the blueprint as a "legally binding" agreement.

(NOTE: Chua noted that the Philippines recently took over as chairman of ASEAN's "economic track," which runs on a schedule roughly one year behind -- rotating at the time of the ASEAN Economic Ministers Meeting -- the "political," or foreign-ministry led track that Singapore currently chairs. END NOTE.) The other main focus of the November Summit will be the environment. Chua said that ASEAN would issue two declarations, one on environmental sustainability and the other on promoting "livable cities."

Human Rights Body

18. (C) The Charter language on the ASEAN human rights body is relatively vague, Chua admitted. There is only agreement on establishing it. The Charter does not discuss what powers the body will have nor what human rights standards it will apply. (Note: The GOS has already indicated publicly that the creation of the human rights body will not lead to any changes in Singapore's laws, which include restrictions on freedom of speech and assembly. During question time in Singapore's Parliament on August 27, Second Foreign Minister Raymond Lim said, "I do not see the human rights body affecting Singapore's domestic laws or foreign policy. It will, however, raise ASEAN's international standards." End Note.)

Closing the Development Gap

19. (C) At the urging of the newer ASEAN members (Burma, Cambodia, Laos and Vietnam), the Charter will include a provision to establish a fund into which ASEAN members and ASEAN dialogue partners may voluntarily contribute funds for development assistance. The newer ASEAN members have

long urged the older and more economically-developed ASEAN members to provide aid and technical assistance to help them close the development gap, Chua said. Singapore is presently the largest contributor of assistance to the newer members -- it has focused on providing human resource development through a variety of training courses (Reftel). The GOS does not believe in providing any cash assistance, Chua added.

Comment

¶10. (C) The GOS appears pleased with the progress to date on the ASEAN Charter and the apparent lack of obstructionism on the part of less-developed members on promoting mechanisms to ensure compliance with the organization's agreements. The more difficult struggle will lie ahead, however, in turning some of the vaguer precepts in the Charter into actual practice and transforming ASEAN into a more integrated, and rules-based, organization.

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